

Exhibit C

Defendant's Answers to Plaintiff's Interrogatories

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

PUBLIC INTEREST LEGAL
FOUNDATION, INC.,

Plaintiff

V.

MATTHEW DUNLAP, in his official capacity as Secretary of State for the State of Maine,

Defendant.

Civil No. 1:20-cv-00061-GZS

DEFENDANT'S ANSWERS TO PLAINTIFFS' INTERROGATORIES

Pursuant to Fed. R. Civ. P. 33, the defendant Secretary of State in his official capacity (“Secretary”), by and through his undersigned attorneys, responds as follows to the plaintiffs’ First Set of Requests for Interrogatories, dated June 1, 2020.

GENERAL OBJECTIONS

1. The Secretary objects to these Interrogatories and accompanying definitions and instructions to the extent that they seek to impose obligations on him beyond those found in the Federal Rules of Civil Procedure. The Secretary will respond in accordance with the Federal Rules of Civil Procedure.

2. The Secretary objects to each Interrogatory to the extent it seeks information that is shielded from discovery by (A) the attorney-client privilege, (B) the work-product doctrine, (C) confidentiality laws, and (D) the general rule forbidding inquiry into the mental processes of an administrative decision maker, *see Carl Cutler Co. v. State Purchasing Agent*, 472 A.2d 913, 918 (Me. 1984).

3. Discovery is incomplete and ongoing in this litigation, and the Secretary reserves the right to modify or amend any response to these Interrogatories based on subsequent discovery or investigation in this litigation.

Subject to and without waiving these General Objections, which are incorporated into each response below, the Secretary responds as follows.

INTERROGATORIES

INTERROGATORY NO. 1. Describe the Central Voter Registration System, including, but not limited to, its purpose and capabilities.

ANSWER: The Central Voter Registration System (CVR) is a browser-based, real-time system that consists of a highly customized, proprietary software application for carrying out the voter registration functions required by federal and state law along with a complex, relational database for storage of the voter registration information and related municipal data (such as street address libraries) entered through the application. CVR was implemented to comply with the Help America Vote Act of 2002 (HAVA) and was designed to standardize and centralize the registration of voters statewide to replace the prior system of voter registration data stored in myriad formats in 500 separate municipal jurisdictions. A complete description of the CVR and its capabilities may be derived from reviewing the Central Voter Registration (CVR) User Guide, which is being produced in response to Request for Documents (RPD) #3.

INTERROGATORY NO. 2: Identify and describe the records and information contained in the Central Voter Registration System.

ANSWER: The CVR database contains voter registration record information as required by state law, 21-A M.R.S. §152; as well as certain municipal data, such as municipal official contact information, street address libraries, electoral districts, and voting place information.

CVR also contains records of absentee ballots and voter participation history (i.e., a record of who voted at an election, and whether by absentee ballot or in-person on election day.) *See also* documents produced in response to RPD #3.

INTERROGATORY NO. 3: Identify and describe the lists and/or reports that the Central Voter Registration System can generate.

ANSWER: CVR Reports are described in the CVR User Guide (Chapter 9), the Voter Registration and Elections Guide (Chapter 4) and the document entitled *Fact Sheet on Obtaining Data and Instructions for Completing a Request for Obtaining Data from Maine's CVR*, all of which are being produced in response to RPD #3.

INTERROGATORY NO. 4: Identify and describe the reason(s) that records or information contained in the Central Voter Registration System are created, updated, or changed. for the purpose of ensuring the accuracy and currency of official lists of eligible voters. . ." as required by Section 8 of the National Voter Registration Act of 1993, 52 U.S.C. § 20507(i)(1).

ANSWER: Voter registration records or information are created, updated or changed in CVR based on several sources of information, which include, but are not limited to: new voter registration applications or applications containing changes of name, address, or political party submitted by the voter, or change of address information received through the Bureau of Motor Vehicles. Records or information also are updated or changed based on Notices of New Registrations received from other jurisdictions; vital records notices of death (including the electronic matching system within CVR as well as paper records); USPS notices of change of address; voter responses to Change of Address Confirmation Cards (i.e., NVRA § 8(d)(2) notices); and direct notification from a voter that they have moved or wish to cancel their registration record.

INTERROGATORY NO. 5: Describe the Party/Campaign Use Voter File.

ANSWER: The answer to this Interrogatory may be derived from reviewing the documents identified in response to Interrogatory No. 3.

INTERROGATORY NO. 6: Describe the process for generating the Party/Campaign Use Voter File.

ANSWER: The process of generating reports is described in Chapter 9 of the *CVR User Guide*, produced in response to RPD #3.

INTERROGATORY NO. 7: Identify the format(s) (e.g., PDF or Microsoft Excel file) in which the Party/Campaign Use Voter File can be generated.

ANSWER: The report known as the Party/Campaign Use Voter File is generated in a pipe-delimited text file format, which is provided to the requestor on a CD or USB thumb drive. The requestor must put the data into their own database or spreadsheet program.

INTERROGATORY NO. 8: Identify and describe the source(s) from which the Voter Record Information used in the Party/Campaign Use Voter File is obtained.

ANSWER: The voter record and voter participation history data contained in the report known as the Party/Campaign Use Voter File are obtained from the CVR database.

INTERROGATORY NO. 9: Identify and describe the reason(s) that Voter Record Information used in the Party/Campaign Use Voter File is created, updated, or changed.

ANSWER: The Party/Campaign Use Voter File is an electronic text file report generated from data contained in the CVR database as of the time the file is created. It is the underlying voter data in CVR that is created, updated or changed as a result of voter registration and maintenance activities. Accordingly, the Party/Campaign Use Voter File itself is not created, updated, or changed.

INTERROGATORY NO. 10: Identify all persons or entities to whom you have provided the Party/Campaign Use Voter File during the time-period January 1, 2017 to the present.

ANSWER: The answer to this Interrogatory is contained in a document entitled “Persons or Entities Provided Party/Campaign Use Voter File January 1, 2017 to present” attached hereto as Exhibit A.

INTERROGATORY NO. 11: Identify all persons or entities whose requests for the Party/Campaign Use Voter File were denied during the time-period January 1, 2017 to the present.

ANSWER: The answer to this Interrogatory is contained in a document entitled “Persons or Entities Denied Party/Campaign Use Voter File January 1, 2017 to present” attached hereto as Exhibit B.

INTERROGATORY NO. 12: Describe the basis for your denial of paragraph 36 of Plaintiff’s Complaint (Doc. 1).

ANSWER: The report referred to as the “Party/Campaign Use Voter File” is a report generated from the CVR that contains certain data elements as defined in 21-A M.R.S. § 196-A(1)(B) as of the point in time that the report is generated. It is not a record of voter list maintenance activities.

Dated at Augusta, Maine, this 31st day of July, 2020.

AS TO OBJECTIONS:

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AS TO ANSWERS:

SECRETARY OF STATE

By: Julie L. Flynn
JULIE L. FLYNN
Deputy Secretary of State

STATE OF MAINE
Kennebec, ss.

July 31, 2020

Personally appeared the above-named person and made oath that the foregoing information is true to the best of her knowledge, information and belief.

Before me,

Nicole M. Sacre
NOTARY PUBLIC

NICOLE M. SACRE
Notary Public, State of Maine
My Commission Expires May 2, 2026



CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2020, the foregoing document was served on the following counsel of record:

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